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APPLIED BIOSYSTEMS

SEP 21 2005

508 383 7468 P.04/17

PTO/SB/31 (02-01)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
BP0002-US

Fax CERTIFICATION

Date of Deposit: 9/20/2005

I hereby certify that this correspondence is being facsimile deposited (Fax No. 571-273-8300) on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: 
Print Name: Brian D. Gildea.

In re Application of
Coul et al.

Application Number
09/996,658

Filed
11/29/2001

For
**METHODS AND COMPOSITIONS FOR SORTING
AND/OR DETERMINING ORGANISMS**

Group Art Unit
1634

Examiner
Bradley L. Sisson

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner, dated 04/20/05, rejecting the following claims: 1-50.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 500.00.

- Applicant claims small entity status. See 37 CFR 1.27. Therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.
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- Payment by credit card. Form PTO-2038 is attached.
- The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 01-2213. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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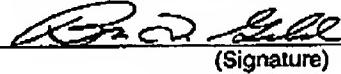
I am the

- assignee of record of the entire interest.
- applicant.
- attorney or agent of record.
- attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

9/20/05

Date


(Signature)

Brian D. Gildea
(Typed or printed name)

39,995
(Reg. No.)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;">Fax CERTIFICATION</td> <td colspan="2" style="padding: 5px;">In re Application of Coull et al.</td> </tr> <tr> <td>Date of Deposit: <u>9/20/2005</u></td> <td style="width: 35%; padding: 5px;">Application Number 09/996,658</td> <td style="width: 35%; padding: 5px;">Filed 11/29/2001</td> </tr> <tr> <td colspan="3" style="padding: 5px; text-align: center;">For METHODS AND COMPOSITIONS FOR SORTING AND/OR DETERMINING ORGANISMS</td> </tr> <tr> <td style="padding: 5px;">Signature:  Print Name: <u>Brian D. Gildea</u></td> <td style="padding: 5px;">Group Art Unit 1634</td> <td style="padding: 5px;">Examiner Bradley L. Sisson</td> </tr> </table>			Fax CERTIFICATION	In re Application of Coull et al.		Date of Deposit: <u>9/20/2005</u>	Application Number 09/996,658	Filed 11/29/2001	For METHODS AND COMPOSITIONS FOR SORTING AND/OR DETERMINING ORGANISMS			Signature:  Print Name: <u>Brian D. Gildea</u>	Group Art Unit 1634	Examiner Bradley L. Sisson
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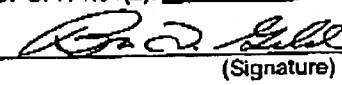
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